IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL WRIT PETITION NO. 3089 OF 2005

Kiran Kapadia ....Petitioners.

versus

State of Maharashtra & ors..... Respondents.

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Shri S.N.Raj for the petitioner
Mrs. M.H.Mhatre App for State

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CORAM ; A.M. KHANWILKJAR, J.

DATED; DECEMBER 22, 2005

P.C.

Not on Board. Mentioned.

1. Heard. The grounds raised before this court can be effectively answered by the Revisional Court.

2. As alternative efficacious remedy is available to the applicants by way ofi revision before the Sessions Court in view of the decision of this Court in the case of **V.K.Jain & Ors. Vs. Pratap V. Padode** reported in **2005 (3) Mh.L.J. 778** and unreported decision of this court in Criminal **W.P. No.1023 of 2005 dated 8th December 2005** in the case of **Chetan R. Nagda & Ors. Vs. N.D.Pawar & anr.,** counsel for the applicant fairly prays for withdrawal of the application with liberty to take recourse to remedy of revision. Hence, dismissed as withdrawn with liberty as prayed. All questions are left open.

3. The applicant to file such revision Application within four weeks from today. Till such time, no precipitative action be taken against the applicant. Revision Application, if filed within four weeks from today, be considered on its own merits in accordance with law.

4. In case, there is any delay in filing Revision Application, court will take into account the fact that the applicant had first approached this court, which period may be excused in computing delay.

5. Applications disposed of on the above terms.

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